
Cabby's Rum Bar

Information and Submissions submitted on behalf of the Premises Licence holder

Tower Hamlets Licensing Subcommittee

28th September 2021

1. The Premises

The premises is one of a number of similar industrial units built into a railway arch. The railway above is a busy operational line with trains running to Fenchurch Street. A cobbled courtyard runs along the front of the units and parallel to the railway. Access to the courtyard is from St Pauls Way.

To the north and north-west of the premises are football pitches and Mile End Park.

To the south and south-West is waste ground leading onto the Regents Canal. There are residential addresses on the southern side of the canal.

To the East (and to the other side of the railway tracks) can be found Revolution Karting Track and Mile End Skate Park. Also to the east are residential buildings to the corner of St Paul's Way and Turner's Road. In addition, a block of flats is situated between the skatepark and the railway embankment.

2. The business

The Taxi Spirit Company Limited, has occupied the premises since 2016. At this time the director of the company began developing London's only Rum distillery. Mr Odong's story is a remarkable one. Having been turned down for training, apprenticeships or any assistance from established distilleries and discovering that training was virtually non-existent, Mr Odong persuaded a professor from Herriot Watt University to become his mentor, and he began the long process of training and building a distillery and obtaining the necessary licence from HMRC.

Many years later, within a month of producing his first batch, The Taxi Spirit Company won a number of prestigious awards for its Rum. In time, further accolades followed and the business moved into small-batch Gin production. During lockdown it even made hand sanitizer.

Further details, can be found here:

<https://taxispirit.com/>

and here

<https://www.youtube.com/watch?v=VlzJ0CcXsvM>

In order to sell the Rum and Gin produce on-line via their web site, the company sought a Premises Licence to permit off-sales supply from the premises. At the time of applying, they also sought on-sales and late-night refreshment so that they might run a small bar at the same premises. This bar would be an extension of the business and another route for selling the distillery's produce. The business therefore has two distinct but related functions:

- a> A distillery, with sales taking place for the consumption of alcohol off the premises – primarily via an online platform.
- b> A bar-restaurant where the produce can be consumed on the premises with food.

3. Submissions

3.1 Revocation of the Premises Licence is not an appropriate course of action in this case.

None of the representations in this case relate to issues identified with the supply of alcohol for consumption off the premises via the distillery business. The representations relate to Cabby's Rum Bar only and not to the off-sales supply of Rum and Gin produced at and sold from the premises.

Revocation of this Premises Licence would have the effect of closing the Bar *AND* the distillery's ability to sell alcohol. There is no suggestion in these review papers that the on-line sale of alcohol from the distillery has had a negative effect on the licensing objectives.

The advice on revocation in the licensing officer's report is:

8.3 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

We submit that in respect of the online sales of produce from the distillery, the licensing objectives are being met. For that reason, it would not be appropriate to revoke the licence. It would appear that at least part of the Premises Licence has operated free from criticism.

3.2 Although it is accepted that there have been problems of noise nuisance from the bar, the duration of the problems and some of the incidents themselves are not accepted.

The Licence was granted on the 20th of October 2020. Shortly after then, the country entered the second national Lockdown on the 5th November 2020. Tier 4 restrictions began from the 21st of December and the 3rd national Lockdown began on the 6th January 2021.

The bar was fitted out in March and April 2021 as restrictions began to ease and was only operational from May 2021.

We see in the review papers of a complaint made against the bar in December 2020. The Bar had not been built at that stage and it was certainly not operational. The country was in lockdown. Our instructions are that in December 2020, the yard was full of scrap, yet to be cleared.

One resident (we believe the same resident who apparently made the December complaint) makes the following statement:

'Since December 2020 a night club had opened behind my flat called Cabby's Jerk.....'

This is not accepted. Cabby's opened in May 2021. It is not a nightclub.

The Premises Licence holder is aware of incidents in May, June and July 2021, shortly after the bar had opened when complaints were made and some action needed to be taken.

The Premises Licence holder believes that there have been no complaints as to noise nuisance relating to August and September 2021 since there has been an opportunity to respond to the complaints and resolve the issues.

It is at least possible that some of the noise relates to the nearby skate park although there may be other sources.

It is noted that officers attending the premises on 3rd July at 23.00 (in response to a report of loud music from the venue) observed that no music was audible from the venue but that it was audible from:

'the adjacent skateboard park on the opposite side of the railway arch'.

It is our client's experience that Skaters regularly play loud music from the park.

3.3 The venue cannot be described as a 'night-club'.

The allegation that the premises operates or has operated as a 'night-club' is made by only one resident although it is repeated throughout the papers by different responsible authorities as justification for review and revocation.

Referring to the premises as a 'nightclub' is unfair and highly prejudicial. All the evidence suggests that it is no such thing.

One might characterise a nightclub as being a venue that is open late, that provides music for the purposes of dancing, or provides other entertainment, has a dance floor and is indoors. There may be other definitions, but we respectfully suggest that Cabby's Rum Bar cannot be a nightclub by any definition.

It is not a late-night venue. There was one occasion (a private party on the 23rd May) when the event ran on into the early hours. On all other occasions however, the bar has closed on time in accordance with its licensed hours.

There is no dancefloor. The interior of building is of a modest size and contains tables. Outside is a cobbled courtyard with benches.

Despite numerous visits, no police officer or Out of Hours Officers has reported seeing anyone dancing at the venue. No officer attending the venue has described it as a nightclub.

Attention is drawn by those supporting the review to one of the flyers mentioning dancing. This reference is in the text under the flyer:

'Let's Link Up, Drink Cocktails and Dance!'

This flyer was designed and published by the promoter of this particular event rather than the Premises Licence holder who was not aware of its content. There was no dancing at this event. The Premises Licence Holder does not believe that the phrase was meant to be taken literally.

This flyer is the only one that mentions the word 'dance' Indeed, the other flyers advertise events with titles such as 'We Outside' and 'Backyard Jam' indicating that the venue was operating outside. These flyers emphasise food and cocktails.

There is only one reference to anyone seeing any dancing, one resident on one occasion - the 13th June 2021. The Premises Licence holder does not accept that any dancing took place on this occasion.

3.4 The Bar has been in operation for only a short period of time and some of the difficulties can be put down to teething problems including disruption brought about by opening just at the same time that coronavirus restrictions and regulations had an impact on how the venue was operated.

The police say:

'Given the license has only been in operation for a few months.....we do not believe any conditions can be imposed that he would respect or follow'

We would submit that in contrast to that position, the short duration of operation lends weight to the argument that the licence should *not* be revoked.

At the time the bar became operational, the county had just moved onto Step 2 of the government's restriction road map. At this time bars were permitted to open but only if serving drinks outside. In due course the Business and Planning Act 2020 lifted restrictions on off-sales to outside areas in order to further encourage venues to operate outside.

Because the operation effectively moved outside, then difficulties with noise nuisance which perhaps wouldn't have originally been contemplated became apparent. The Premises Licence holder regrets that residents were initially inconvenienced as the business 'bedded down' and came to terms with its 'open air' nature. Lessons have definitely been learned and adaptations made to the operation in the light of feedback. It would have been preferable if this sort of risk assessment had taken place before the venue opened but in the circumstances, the Premises Licence holder, like everyone else at the time, was adapting to changing circumstances

The Premises Licence holder believes that they have now largely solved the music noise nuisance issues and regret that this was achieved only after disturbing local residents for a period of time.

3.4 Parking

Unfortunately, there is no sign on the resident's car park to indicate that it is for private resident's use only. The Premises Licence holder would be happy to supply a sign to say that it is private property and not available to patrons of Cabby's Rum bar.

Since the issue was raised, security guards employed at the venue have been tasked with preventing patrons from parking in this private car park. The Premises Licence holder is not aware of any complaints since this action was taken.

The premises Licence holder is currently negotiating additional car parking spaces from a nearby gym. If this negotiation is successful then these parking arrangements will be advertised on the company's website and social media accounts.

3.6 It is accepted (and regretted) that the police were initially not granted entry to the premises but there have now been many, many more subsequent occasions where the police have attended and have always been granted entry without difficulty.

On the 23rd May the venue had been hired for a private party. There was no licensable activity taking place (the host supplied his own food and drink to guests).

The DPS asked the officers to identify themselves but only one or two would do so. There was an unfortunate 'stand-off' and they were not admitted. The DPS did not appreciate the importance of admitting the officers. He does now.

(In fairness to Mr Odong, he did turn the music down immediately on being asked to do so by officers).

The police say that the failure to gain entry indicates to them that illegal behaviour was taking place at the premises. This is denied.

3.5 It is accepted that Mr Odong and the Police have not got off to a very good start

Mr Odong did speak to PC Laban on the 24th of May by telephone. Mr Odong said that he would prefer to speak to the officer in person and invited him to attend the venue. Mr Odong understood that an appointment was arranged for the morning of the 28th May but on the day PC Laban did not attend. Mr Odong has since spoken to PC Laban but still does not understand why he failed to attend the meeting or why a further meeting could not be arranged. Mr Odong would welcome a meeting with the police to 'clear the air'.

3.6 There is evidence available of the venue operating without causing any disturbances

- 2nd July reported in the Review papers - Police attend and confirm there is no noise disturbance.

- 3rd July reported in the Review papers Out of Hours officers attend and report no problems.

On instructions, officers have attended on many occasions e.g attended on 22nd July and at that time were attending almost daily. There have been no reports of difficulties on these days. There have been many more police visits where there have been *no* difficulties than visits where problems *were* noted.

3.7 There is evidence of cooperation with the authorities

On the 13th June, out of hours officers attend at 23.17 and report that the music is loud. They state that once this was pointed out to Mr Odong:

'he accepted the complaint and ordered the music to be turn off immediately'. They also reported *'all was in order on departure'*.

3.9 The Premises Licence Holder has taken positive action to deal with the issues raised

A Summary of actions

Noise Nuisance from Music

- After being advised by environmental health officers that noise problems primarily related to the use of microphones, ceased any microphone use.
- Sunday afternoon/evening Soca events (it is noted that most complaints related to Sundays) have now run their course and will not be repeated.
- Music is now played at background levels only
- Spot checks around the perimeter of the area are made each night checking for any noise (or other) nuisance.

Dispersal issues including car parking

- Employment of SIA registered security guards.
- Negotiation of additional car parking spaces.
- Offer to supply sign for the residents' car park to make clear it is private and not to be used by patrons of Cabby's Rum Bar.

Further proposals

- A condition to be added to the licence that no music either live or recorded to be played outside the venue.
- All music to be at background levels only and only inside the building.
- A removal of the condition that 'all windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons'. This is so that adequate ventilation might be facilitated in the premises in line with

government advice on reducing the risks associated with Covid-19.

The Premises Licence holder is happy to move the operation indoors but is concerned that the current condition is not compatible with government advice on ventilation.

- Remove Moses Odong as DPS and replace him with Mr Filip Puczka.

(Mr Puczka has worked and trained in the hospitality sector for a total of 9 years. He has a Personal Licence. He worked for 7 years in Hammersmith and Fulham in a pub and Restaurant with a 450-person capacity as General manager and DPS. This change might allow Mr Odong to concentrate on the distillery side of the business).

- Add the following condition to the licence:

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.